

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

JANE DOE and JOHN DOE,	)	
	)	
Plaintiffs,	)	
	)	Case No. 1:23-cv-318
vs.	)	
	)	
ARCHDIOCESE OF CINCINNATI,	)	
ARCHBISHOP MOELLER HIGH	)	
SCHOOL, and MICHAEL ASBECK	)	
	)	
Defendants.	)	
	)	

---

**NOTICE OF REMOVAL OF CIVIL ACTION**

Consistent with 28 U.S.C. §§ 1331, 1441 and 1446, Defendants Archdiocese of Cincinnati (“Archdiocese”) and Archbishop Moeller High School (“Moeller”) (collectively “Defendants”), with the consent of Defendant Michael Asbeck, file this Notice of Removal of Civil Action from the Hamilton County Court of Common Pleas in which it is pending. In support of removal, Defendants state as follows:

1. Plaintiffs Jane Doe and John Doe filed a Summons and Complaint under pseudonyms in the Hamilton County Court of Common Pleas captioned *Jane Doe and John Doe v. Archdiocese of Cincinnati et al.*, Case No. A2301677 (“State Court Action”). Defendants were individually served with the Summons and Complaint on April 26, 2023.

2. Plaintiffs’ Complaint alleges: sex discrimination in violation of Ohio Revised Code (“ORC”) § 4112.02(A) and Title VII of the Civil Rights Act of 1964, as amended (“Title VII”); disability discrimination in violation of ORC § 4112.02(A); retaliation in violation of ORC § 4112.02(I) and Title VII; negligent hiring, retention, and supervision; intentional infliction of

emotional distress; vicarious liability; and loss of society/loss of consortium. *See* Exhibit A. Plaintiffs further allege a charge of discrimination was filed and Plaintiff Jane Doe received notice of right to sue. *See* Exhibit A. Accordingly, this Court has original jurisdiction over Plaintiffs' Title VII claims under 28 U.S.C. § 1331, federal question jurisdiction, because the claim arises under the Constitution, laws, or treatises of the United States.

3. Plaintiffs' state law claims fall within the supplemental jurisdiction of this Court pursuant to 28 U.S.C. § 1367, because they all arise from Plaintiff Jane Doe's employment with Defendants. Therefore, these claims are based on a common nucleus of operative facts and are so related to Plaintiffs' Title VII claims that they form the same case or controversy.

4. Because this action satisfies the requirements of 28 U.S.C. § 1331, this Court has original and supplemental jurisdiction over all claims alleged in the Complaint, and this action may be removed to this Court consistent with 28 U.S.C. § 1441(a).

5. Venue of this removal action is proper under 28 U.S.C. § 1441(a) and 28 U.S.C. § 127(a) because this Court is the United States District Court for the district and division corresponding to the place where the state court action was pending.

6. The causes of actions set forth in the Complaint do not constitute non-removable actions under 28 U.S.C. § 1445.

7. Consistent with 28 U.S.C. § 1446(a), Defendants have attached all process, pleadings and orders that have been filed, served, or received in this action. *See* Exhibit B.

8. This Notice of Removal is filed within thirty (30) days of service of the State Court Action and is timely under 28 U.S.C. § 1446(b).

9. Consistent with 28 U.S.C. § 1446(d), written notice of removal of this case (Exhibit C), together with a copy of this Notice will be filed with the Clerk of the Court for the Hamilton County Court of Common Pleas and served on Plaintiffs.

10. Defendant Michael Asbeck advised Defendants of his consent to the removal of this action on May 23, 2023 via electronic mail.

Defendants therefore request that this action be removed from the Hamilton County Court of Common Pleas and requests that this Court assume jurisdiction over the case.

This 24<sup>th</sup> day of May, 2023.

Respectfully submitted,

/s/ Louise M. Griffin  
Faith C. Whittaker (0082486)  
Louise M. Griffin (0095724)  
Dinsmore & Shohl LLP  
255 E. Fifth Street Suite 1900  
Cincinnati, Ohio 45202  
Phone: (513) 977-8200  
Fax: (513) 977-8141  
faith.whittaker@dinsmore.com  
louise.griffin@dinsmore.com

*Counsel for Defendants Archdiocese of Cincinnati and  
Archbishop Moeller High School*

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing **NOTICE OF REMOVAL OF CIVIL ACTION** was served by electronic mail using the Court's CM/ECF system on all counsel or parties of record this 24<sup>th</sup> day of May, 2023.

/s/ Louise M. Griffin  
Faith C. Whittaker (0082486)  
Louise M. Griffin (0095724)  
Dinsmore & Shohl LLP  
255 E. Fifth Street Suite 1900  
Cincinnati, Ohio 45202  
Phone: (513) 977-8200  
Fax: (513) 977-8141  
faith.whittaker@dinsmore.com  
louise.griffin@dinsmore.com

*Counsel for Defendants Archdiocese of Cincinnati and  
Archbishop Moeller High School*